

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

v.

ROY LEE DYKES,

Defendant.

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Case No. 2:18CR00003-001

OPINION AND ORDER

By: James P. Jones
United States District Judge

Roy Lee Dykes, Pro Se.

The defendant, a federal inmate, has filed a pro se Motion for Sentence Modification pursuant to the First Step Act of 2018 (Act) seeking compassionate release “permanently or temporarily” from the sentence of imprisonment imposed by this court because of the current Covid-19 health crisis and its danger to him because of his own health issues.

Prior to the Act, only the Director of the Bureau of Prisons (BOP) could file a motion with the court seeking compassionate release for an inmate. However, the Act amended 18 U.S.C. § 3582(c) to provide that a sentencing court may, after considering the sentencing factors set out in 18 U.S.C. § 3553(a), modify a sentence to grant compassionate release either upon motion of the Director “or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the [BOP] to bring a motion on the defendant’s behalf or the lapse

of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A).

There is no indication that the defendant has exhausted his BOP administrative remedies. Accordingly, the motion, ECF No. 763, is DENIED.

It is so **ORDERED**.

ENTER: May 5, 2020

/s/ JAMES P. JONES
United States District Judge